

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PNC BANK, NATIONAL ASSOCIATION, et al.,
Plaintiffs,

-against-

DANA TRANSPORT, INC. and RONALD B.
DANA,
Defendants.

Case No. 1:16-cv-07797 (JLR)

ORDER

JENNIFER L. ROCHON, United States District Judge:

On September 22, 2017, the Court issued an order denying Defendants’ Motion to Dismiss Plaintiffs’ Complaint or Alternatively to Stay. Dkt. 50. In so doing, the Court held that the loan agreement between the parties required Defendants to indemnify Plaintiffs’ legal costs in interparty suits, including those instituted by Defendants. *See* Dkt. 57 at 40:18-43:2.

On August 26, 2022, the Court granted Plaintiffs’ three motions for partial summary judgment, finding that Defendants were liable to Plaintiffs for “attorneys’ fees that they had incurred in defending an action [Defendants] had brought in this District in 2015.” Dkt. 209 at 1 (reiterating that “[p]ursuant to the terms of the loan agreement between the parties, [Defendants are] obligated to indemnify Plaintiffs for attorneys’ fees that Plaintiffs incur in any action initiated by [Defendants] that is related to the loan agreement”). Plaintiffs subsequently moved for attorneys’ fees and expenses, Dkts. 215, 218, 220, which the Court granted on September 5, 2023, Dkt. 232.


On October 4, 2023, Defendants filed a notice of appeal to the United States Court of Appeals for the Second Circuit from the aforementioned Opinions and Orders at Dkts. 50, 209, and 232. Dkt. 236. On November 4, 2024, the Second Circuit issued a Summary Order holding that under the loan agreement between the parties, Defendants “are not obligated to

indemnify the attorney's fees the [Plaintiffs] accrued defending [Defendants'] 2015 action.”
Dkt. 237 at 6. Because it found that Defendants' motion to dismiss should have been granted,
the Court of Appeals reversed and remanded the judgment of the District Court with
instructions to dismiss. *Id.*

On November 4, 2024, the Second Circuit's mandate issued. Pursuant to the Second
Circuit's instructions, Plaintiffs' claims in this action for indemnification of legal fees and
expenses are hereby dismissed with prejudice.

Dated: November 12, 2024
New York, New York

SO ORDERED.


JENNIFER L. ROCHON
United States District Judge